

**MONTAGULAW, P.C.**

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October 31, 2016

**VIA SDNY ELECTRONIC FILING**

The Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

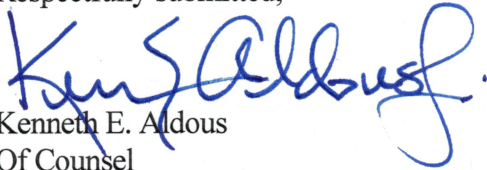
Re: Trish McEvoy Ltd. v. Too Faced Cosmetics, LLC (S.D.N.Y. Case No. 1:16-cv-07549)

Dear Judge Caproni:

We are counsel to Trish McEvoy Ltd., Plaintiff in the above-referenced action, and write to inform you that the parties have reached a settlement of that action. As a result, we also are writing, in accordance with Your Honor's Individual Practices, to enclose a proposed Order of Dismissal (a Word version of which we are sending, via electronic transmission, to caproninysdchambers@nysd.uscourts.gov and ordersandjudgments@nysd.uscourts.gov).<sup>1</sup>

Please let us know if Your Honor has any questions or whether we can provide any additional information. Thank you very much for your time and attention to this request.

Respectfully submitted,



Kenneth E. Aldous  
Of Counsel

Enclosure

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<sup>1</sup> We received a copy of Your Honor's Order, dated October 28, 2016, requiring Plaintiff to show cause, on or before November 4, 2016, why the case should not be dismissed for failure to appear at the October 28, 2016 conference, as required by Your Honor's Order, dated September 29, 2016. Although we believe that the settlement of the action should obviate the need for any such showing, we also believe that it bears noting that we did not receive a copy of Your Honor's September 29 Order and thus were unaware of the October 28 conference. We nonetheless apologize for any inconvenience that our failure to appear may have caused.